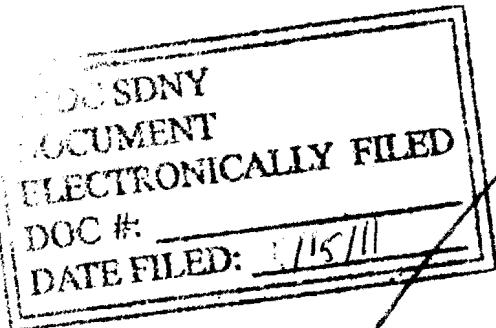


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MEMO ENDORSED

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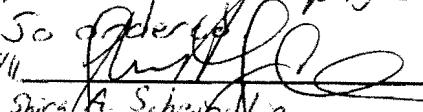
Request granted in part. The briefing schedule is as follows:

November 17, 2011 - Trustee's appellate brief due
December 8, 2011 - opposition brief due
December 30, 2011 - reply brief due.
The opening and opposition briefs are not to exceed 40 pages. The reply brief is not to

VIA FACSIMILE (212) 805-7920

Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, NY 10007

Re: Walker, Truesdell, Roth & Assoc. v. The Blackstone Group, L.P. (In re Extended Stay, Inc.), 09-13764 (JMP); Civ. Case No. 11-5394 (SAS); Adv. Pro. No. 11-152398 (JMP)

So ordered
11/15/11 
Shira A. Scheindlin
J.S.P.

Dear Judge Scheindlin:

As you know, our law firm represents the plaintiffs, Walker Truesdell Roth & Associates and Hobart Truesdell (collectively the "Trustee" for the Extended Stay Litigation Trust), as well as the Litigation Trust itself, in the above-referenced matter. This letter is in regard to the Trustee's appeal from a decision in the Bankruptcy Court by Judge Peck denying the Trustee's motion to abstain from adjudicating and remand the action filed by the Trustee in the State Court, which was removed by the Blackstone Defendants to the Bankruptcy Court.

The Trustee's appeal was docketed with this Court on November 1, 2011, but was not assigned to Your Honor until today. While awaiting notification of the assignment of the bankruptcy appeal, the Trustee and Dan Donovan, Esq., counsel for the Blackstone Defendants, discussed and agreed upon a proposed briefing schedule for the submission of appellate briefs, as well as an extension of the page limitations for the briefing of the complicated issues that permeate the bankruptcy appeal. The parties' understandings are memorialized below for your review and consideration.

Chicago Cincinnati Cleveland Columbus Costa Mesa
Denver Houston Los Angeles New York Orlando Washington, DC

Honorable Shira A. Scheindlin
November 14, 2011
Page 2

The parties have agreed to a briefing schedule with the Court's permission as follows: the Trustee's appellate brief to be filed by this Thursday, November 17, 2011, and the opposition briefs for all appellees to be filed by Thursday, December 8, 2011. A further request relayed to Mr. Donovan but not yet agreed is to allow 22 days for the Trustee's reply, until December 30th. The extra time for the reply is necessitated by a December 23rd deadline for the Trustee's filing of his opposition papers to the various defendants' motions to dismiss in the five lawsuits. This schedule differs from the briefing schedule provided in Fed. R. Bankr. P. 8009(a) (not amended by any local rule) by granting the Trustee an extra two days to file his appeal brief, granting the defendants an extra seven days to file their opposition briefs, and granting the Trustee an extra eight days to file any reply.

The parties have also agreed to an extension of page limitations with the Court's permission as follows: the Trustee's appellate brief to be no longer than fifty pages, and the opposition briefs for all appellants to be no longer than fifty pages. A further request pertaining to the Trustee's reply brief may be advanced at a later date. These page limitations differ from the limitations set forth in Local Civil Rule 7.1(c) by granting both the Trustee and the defendants an additional twenty-five pages to address the issues arising from the bankruptcy appeal.

We respectfully request Your Honor approve the briefing schedule and page limitation extension agreed to and submitted by the parties. Counsel for the Blackstone Defendants is notifying the remaining defendants' counsel in the State Court action about the parties' agreement and, thus far, we have received no objections as of the filing of this letter.

Thank you for your consideration of the foregoing.

Respectfully submitted,



Marc D. Powers

cc: All Counsel for Appellees (via PDF)